



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB3432

Introduced 2/7/2012, by Sen. Larry K. Bomke

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3.6 new  
720 ILCS 5/12-21.6-1 new

Amends the Criminal Code of 1961. Creates the offense of failure to report the death of a child. Provides that a person commits the offense when he or she, as a parent, guardian, or other person having physical custody or control of a child under 18 years of age, discovers the death of the child and reasonably believes or should have reasonably believed that the death of the child occurred as a result of violence or trauma, whether apparently homicidal, suicidal, or accidental, and fails to report the death of the child to the appropriate law enforcement agency within 12 hours of such discovery. Provides that a violation is a Class 4 felony. Creates the offense of failure to report a missing child. Provides that a person commit the offense when he or she, as parent, guardian, or other person having physical custody or control of a child 13 years of age or younger knew or should have known that the child was a missing child and fails to report the child to the appropriate law enforcement agency as a missing child within 24 hours from when the parent, guardian, or other person knew or should have known that the child was a missing child. Provides that a violation is a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense. Establishes an affirmative defense for each offense. Effective immediately.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law, which may be referred to as  
2 Caylee's Law.

3 **Be it enacted by the People of the State of Illinois,**  
4 **represented in the General Assembly:**

5 Section 5. The Criminal Code of 1961 is amended by adding  
6 Sections 9-3.6 and 12-21.6-1 as follows:

7 (720 ILCS 5/9-3.6 new)

8 Sec. 9-3.6. Failure to report the death of a child.

9 (a) A person commits the offense of failure to report the  
10 death of a child when he or she, as a parent, guardian, or  
11 other person having physical custody or control of a child  
12 under 18 years of age, discovers the death of the child and  
13 reasonably believes or should have reasonably believed that the  
14 death of the child occurred as a result of violence or trauma,  
15 whether apparently homicidal, suicidal, or accidental, and  
16 fails to report the death of the child to the appropriate law  
17 enforcement agency within 12 hours of such discovery.

18 (b) Affirmative defense. It is an affirmative defense to a  
19 charge under this Section that:

20 (1) the person charged had a reasonable belief that the  
21 child's death was reported to the appropriate law  
22 enforcement agency;

23 (2) a physician certified the child's death; or

1           (3) an investigation by a law enforcement agency,  
2           coroner, or the Department of Children and Family Services  
3           has already commenced within 12 hours of the discovery of  
4           the child's death.

5           (c) Sentence. Failure to report the death of a child is a  
6           Class 4 felony.

7           (720 ILCS 5/12-21.6-1 new)

8           Sec. 12-21.6-1. Failure to report a missing child.

9           (a) For the purposes of this Section, "missing child" means  
10          a person 13 years of age or younger whose whereabouts are not  
11          known.

12          (b) A person commits the offense of failure to report a  
13          missing child when he or she, as parent, guardian, or other  
14          person having physical custody or control of the child knew or  
15          should have known that the child was a missing child and fails  
16          to report the child to the appropriate law enforcement agency  
17          as a missing child within 24 hours from when the parent,  
18          guardian, or other person knew or should have known that the  
19          child was a missing child.

20          (c) Affirmative defense. It is an affirmative defense to a  
21          charge under this Section that the person charged had a  
22          reasonable belief that a missing person report involving the  
23          missing child was made to the appropriate law enforcement  
24          agency.

25          (d) Sentence. Failure to report a missing child is a Class

1 4 felony. A second or subsequent offense is a Class 3 felony.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.